

Exhibit 2



Shawn Flynn <shawn@binnall.com>

RE: 4:23-cv-00300-ELR Passantino v. United States of America Order on Motion for Extension of Time to Answer--Filing an unopposed motion

Jackson, Jonathan (USAGAN) <Jonathan.Jackson2@usdoj.gov>

Tue, Apr 23, 2024 at 2:02 PM

To: Michelle Beck <Michelle_Beck@gand.uscourts.gov>, Bryan Tyson <btyson@taylorenGLISH.com>, "jared@binnall.com" <jared@binnall.com>, "jesse@binnall.com" <jesse@binnall.com>, "shawn@binnall.com" <shawn@binnall.com>

Ms. Beck,

Thank you for your responsiveness. My apologies for the lack of clarity in my last email.

Defendant respects and recognizes that Judge Ross isn't bound by anything the parties do, that permission to respond must be sought from Judge Ross, and that Defendant is untimely.

However, in light of Plaintiff's withdrawal of consent, and Judge Ross' initial order noting concern with Defendant having originally sought an extension before receiving consent from Plaintiff—in an abundance of caution—Defendant did not want to move forward with any additional filings until after Plaintiff's counsel was consulted.

Defendant intends to respectfully seek permission from the court to respond to Plaintiff's complaint pursuant to Federal Rules of Civ Procedure 6(b)(1)(B) and 55(d), while noting Plaintiff's consent to the extension under certain grounds.

Again, my apologies for the lack of clarity in my last email.

Thank you again.

A. Jonathan Jackson

Assistant United States Attorney

Civil Division

United States Attorney's Office

Northern District of Georgia

Richard B. Russell Federal Building

75 Ted Turner Drive SW, Suite 600

Atlanta, Georgia 30303-3309

Binnall, Law Group, PLLC 4220 Peachtree Rd NE, Ste 1000, Atlanta, GA 30309-4220 v. United States of America Order on Motion for Extension of Time to Answer--F...

Tel: (404) 581-6032 | Fax: (404) 581-6181



From: Michelle Beck <Michelle_Beck@gand.uscourts.gov>
Sent: Tuesday, April 23, 2024 1:00 PM
To: Jackson, Jonathan (USAGAN) <JJackson@usa.doj.gov>; Bryan Tyson <btyson@taylorenglish.com>; jared@binnall.com; jesse@binnall.com; shawn@binnall.com
Subject: RE: 4:23-cv-00300-ELR Passantino v. United States of America Order on Motion for Extension of Time to Answer--Filing an unopposed motion

Hello Mr. Jackson. Respectfully, that is not acceptable. You are the one who is in default at this time, and you have missed your deadlines without any permission from the Court. I have emailed you as a courtesy, but unfortunately, I cannot provide you with any further guidance. Again, I remind you that any agreement you are working on with opposing counsel is not binding on the Court, and at this point, the Court is free to strike any responsive pleading by you as untimely. Thank you, and have a great day.

Michelle L. Beck | Courtroom Deputy Clerk to District Judge Eleanor L. Ross
Email: Michelle_Beck@gand.uscourts.gov
Phone: 404.215.1524 | Efax: 404.215.1545

From: Jackson, Jonathan (USAGAN) <Jonathan.Jackson2@usdoj.gov>
Sent: Tuesday, April 23, 2024 12:29 PM
To: Michelle Beck <Michelle_Beck@gand.uscourts.gov>; Bryan Tyson <btyson@taylorenglish.com>; jared@binnall.com; jesse@binnall.com; shawn@binnall.com
Subject: RE: 4:23-cv-00300-ELR Passantino v. United States of America Order on Motion for Extension of Time to Answer--Filing an unopposed motion

CAUTION - EXTERNAL:

Good afternoon Ms. Beck,

Thank you for reaching out.

Plaintiff's counsel retracted their consent to file an unopposed motion to extend the deadline after your last email.

As a result, we've had to come to an agreement regarding Defendant filing a responsive pleading. We will submit a consent motion detailing the parties' agreement in that regard shortly, including Plaintiff's counsel's desire to have an early 26f conference, that will also include Defendant's grounds for seeking the extension from the court.

Please let us know if this is acceptable to the court.

Thank you.

A. Jonathan Jackson

Assistant United States Attorney
Civil Division
United States Attorney's Office
Northern District of Georgia
Richard B. Russell Federal Building
75 Ted Turner Drive SW, Suite 600
Atlanta, Georgia 30303-3309
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From: Michelle Beck <Michelle_Beck@gand.uscourts.gov>
Sent: Tuesday, April 23, 2024 12:20 PM
To: Jackson, Jonathan (USAGAN) <JJackson@usa.doj.gov>; Bryan Tyson <btyson@taylorenglish.com>; jared@binnall.com; jesse@binnall.com; shawn@binnall.com
Subject: RE: 4:23-cv-00300-ELR Passantino v. United States of America Order on Motion for Extension of Time to Answer--Filing an unopposed motion

Hello Mr. Jackson. At your earliest convenience, please let me know the status of your overdue Answer in this case. Judge Ross has asked me to follow up. My understanding is that you failed to file your Answer by the due date, which was April 15. Despite not being granted an extension by the Court (which would still be required even if opposing counsel consented), you not only missed the original deadline, but have now also missed the extended deadline you were requesting. Please let me know at your earliest convenience if there is some confusion on your part that I can help clarify before Judge Ross issues a show cause order that would appear on the docket. Thank you, and I look forward to hearing back from you. (Please remember to include opposing counsel on any email communication. Thank you.)

Michelle L. Beck | Courtroom Deputy Clerk to District Judge Eleanor L. Ross

Email: Michelle_Beck@gand.uscourts.gov

Phone: 404.215.1524 | Efax: 404.215.1545

From: Jackson, Jonathan (USAGAN) <Jonathan.Jackson2@usdoj.gov>

Sent: Tuesday, April 16, 2024 3:36 PM

To: Michelle Beck <Michelle_Beck@gand.uscourts.gov>; btyson@taylorenglish.com; jared@binnall.com; jesse@binnall.com; shawn@binnall.com

Subject: RE: 4:23-cv-00300-ELR Passantino v. United States of America Order on Motion for Extension of Time to Answer--Filing an unopposed motion

CAUTION - EXTERNAL:

Thank you, Ms. Beck,—best regards.

A. Jonathan Jackson

Assistant United States Attorney

Civil Division

United States Attorney's Office

Northern District of Georgia

Richard B. Russell Federal Building

<75 Ted Turner Drive SW, Suite 600>

<Atlanta, Georgia 30303-3309>

Tel: (404) 581-6032 | Fax: (404) 581-6181



From: Michelle Beck <Michelle_Beck@gand.uscourts.gov>
Sent: Tuesday, April 16, 2024 3:25 PM
To: Jackson, Jonathan (USAGAN) <JJackson@usa.doj.gov>; btyson@taylorenglish.com; jared@binnall.com; jesse@binnall.com; shawn@binnall.com
Subject: RE: 4:23-cv-00300-ELR Passantino v. United States of America Order on Motion for Extension of Time to Answer--Filing an unopposed motion

Hello Mr. Jackson and thank you for your email. I cannot tell you what Judge Ross will grant. However, if you choose to file a new motion, you may want to include more explanation regarding why the standard response time was not adequate in this particular case. Also, just to let you know, yes, it is extremely important to the judge that you afford opposing counsel a *fair* opportunity to consent or not oppose. Judge Ross typically does grant motions such as this immediately when unopposed. In fact, please also remember to always copy opposing counsel on emails to the Court unless there is need for an *ex parte* communication. I've taken the liberty of doing that here. Thank you and have a wonderful day!

Michelle

Michelle L. Beck | Courtroom Deputy Clerk to District Judge Eleanor L. Ross
Email: Michelle_Beck@gand.uscourts.gov
Phone: 404.215.1524 | Efax: 404.215.1545

From: Jackson, Jonathan (USAGAN) <Jonathan.Jackson2@usdoj.gov>
Sent: Tuesday, April 16, 2024 1:42 PM
To: Michelle Beck <Michelle_Beck@gand.uscourts.gov>
Subject: Re: 4:23-cv-00300-ELR Passantino v. United States of America Order on Motion for Extension of Time to Answer--Filing an unopposed motion

CAUTION - EXTERNAL:

Good afternoon Ms. Beck,

I hope all is well. I represent the Defendant in the above referenced case.

Yesterday, I filed a motion seeking a 7-day extension of time to respond to the complaint in the above referenced case, and an amended version today. At the time of filing, I had not yet received Plaintiff's consent to grant the extension.

Judge Ross denied the motions today for failure to show cause.

Would Judge Ross grant a filing of an unopposed motion on the same grounds now that Plaintiff's counsel has consented to the extension? Thank you and my apologies for the last-minute filing.

A. Jonathan Jackson

Assistant United States Attorney

Civil Division

United States Attorney's Office

Northern District of Georgia

Richard B. Russell Federal Building

75 Ted Turner Drive SW, Suite 600

Atlanta, Georgia 30303-3309

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